

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)
_____)

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO)
ALL CLASS ACTIONS)
_____)

Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

**REPLY DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS'
REPLY MEMORANDUM IN SUPPORT OF CLASS CERTIFICATION**

I, Steve W. Berman, hereby declare that:

1. I am an attorney at law, licensed to practice in the State of Washington and admitted *pro hac vice* in this case. I am a member of Hagens Berman LLP, resident in its Seattle, Washington, office and am Co-Lead Counsel for the Plaintiffs in the above-captioned action.

2. This declaration is submitted in support of Plaintiffs' Reply Memorandum in Support of Class Certification.

3. Attached as Exhibit 1 is a true and correct copy of an e-mail from Rachel Bloom-Baglin to David Brennan re: AWP Spread "White Paper" dated January 30, 2002. (AZ0565611-14) **(Filed Under Seal)**.

4. Attached as Exhibits 2 and 3 are true and correct copies of summary charts of contracts produced in this case confirming the ubiquity of AWP. **(Filed Under Seal)**.

5. Attached as Exhibit 4 is a true and correct copy of the Witness Statement of Edward Sratemeier before the House Subcommittee dated December 7, 2004. (Pertinent pages only).

6. Attached as Exhibit 5 is a true and correct copy of the Deposition of David J. Joyner dated September 23, 2004. (Pertinent pages only) **(Filed Under Seal)**.

7. Attached as Exhibit 6 is a true and correct copy of the Deposition of Eric M. Gaier dated November 16, 2004. (Pertinent pages only) **(Filed Under Seal)**.

8. Attached as Exhibit 7 is a true and correct copy of the Deposition of Raymond S. Hartman, Ph.D, dated October 7, 2004. (Pertinent pages only) **(Filed Under Seal)**.

9. Attached as Exhibit 8 is a true and correct copy of the Deposition of Mike Beaderstadt dated September 17, 2004. (Pertinent pages only) **(Filed Under Seal)**.

10. Attached as Exhibit 9 is a true and correct copy of the Deposition of Joanne Romasko dated September 28, 2004. (Pertinent pages only) **(Filed Under Seal)**.

11. Attached as Exhibit 10 is a true and correct copy of _____.

12. Attached as Exhibit 11 is a true and correct copy of the Deposition of Daniel Ryan dated March 16, 2004. (Pertinent pages only) **(Filed Under Seal)**.

Further the declarant sayeth not. I certify under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 17th day of December, 2004, at Seattle, Washington.

By /s/ Steve W. Berman
Steve W. Berman
HAGENS BERMAN LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **REPLY DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF CLASS CERTIFICATION** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004 a copy to Verilaw Technologies for posting and notification to all parties.

By /s/ Steve W. Berman

Steve W. Berman

HAGENS BERMAN LLP

1301 Fifth Avenue, Suite 2900

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594